

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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Writ Petition No. 8951 of 1997

Between

T.Satyanarayana

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..Petitioner

AND

The State of A.P., represented by its Secretary, ..Respondents
Higher Education Department and others

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:: JUDGMENT ::

28.3.2007

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The writ petitioner was appointed as a Laboratory Attender against an aided post in the third respondent College, which had fallen vacant due to the retirement of the incumbent. He had been continuously functioning as Laboratory Attender from 5.8.1992. Unfortunately, the services of the writ petitioner have not been regularized on the plea that he had not been recruited by the third respondent College after obtaining the approval of the State Government, as is required under the Rules governing the recruitment of teaching and non-teaching staff against aided posts in private educational institutions.

The writ petitioner rested his claim for regularization on the strength of the policy decision announced by the State Government through G.O.Ms.No.212 dated 22.4.1994 which provided for regularization of all temporary/ ad hoc employees who have put in five years of continuous service as on 25.11.1993. Though the writ petitioner does not satisfy the norm of completion of five years of service by the cut off date prescribed in the said G.O. viz., 25.11.1993, the learned counsel for the petitioner would submit that in a batch of cases, the scheme of regularization announced by the State Government through G.O.212 dated 22.4.1994 has fallen for consideration and the issue had been concluded pointing out that the services of the temporary/ ad hoc employees can be regularized as soon as they complete five years of continuous service, but not

necessarily by 25.11.1993. Thus, he submits that by August, 1997, the petitioner had completed five years of continuous service as Laboratory Attender in the third respondent College, and therefore, he would be entitled for regularisation. However, the learned counsel is also fair enough to point out that this very issue is the subject matter of consideration in a batch of Appeals carried to Supreme Court by the State Government against the judgment of this Court.

In these set of circumstances, it is only appropriate that after the Supreme Court decides the issue with reference to the scheme of regularization of temporary/ ad hoc employees announced through G.O.212 dated 22.4.1994, the claims/ cases of the writ petitioners shall also be considered by the third respondent and the third respondent will take up the matter relating to regularisation with the State Government within a period of three months thereafter. Accordingly, the writ petition stands disposed of. No costs.

NOOTY RAMA MOHANA RAO.J.

28.3.2007

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